

GARY S. WINUK
Chief of Enforcement
FAIR POLITICAL PRACTICES COMMISSION

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Attorney for Complainant

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

STATE OF CALIFORNIA

In the Matter of) FPPC No. 08/668
)
)
TRACY MCMAHON, COMMITTEE TO) STIPULATION, DECISION and
ELECT TRACY MCMAHON, AND) ORDER
NOREEN CONSIDINE)
)
)
Respondents.)

Complainant Roman G. Porter, Executive Director of the Fair Political Practices Commission,
and Respondents Tracy McMahon, Committee to Elect Tracy McMahon, and Noreen Considine
("Respondents"), hereby agree that this Stipulation will be submitted for consideration by the Fair
Political Practices Commission at its next regularly scheduled meeting.

The parties agree to enter into this Stipulation to resolve all factual and legal issues raised in this
matter and to reach a final disposition without the necessity of holding an administrative hearing to
determine the liability of Respondents.

Respondents understand, and hereby knowingly and voluntarily waive, any and all procedural
rights set forth in Sections 83115.5, 11503 and 11523 of the Government Code, and in Section 18361.1
through 18361.9 of Title 2 of the California Code of Regulations. This includes, but is not limited to,
the right to personally appear at any administrative hearing held in this matter, to be represented by an
attorney at Respondents' own expense, to confront and cross-examine all witnesses testifying at the

1 hearing, to subpoena witnesses to testify at the hearing, to have an impartial administrative law judge
2 preside over the hearing as a hearing officer, and to have the matter judicially reviewed.

3 It is further stipulated and agreed that Respondents violated the Political Reform Act by
4 accepting a cash contribution in excess of \$100, in violation of Government Code Section 84300
5 subdivision (a) (1 count) and by failing to sign and verify a campaign statement in violation of
6 Government Code Section 84100 (1 Count).

7 Respondents agree to the issuance of the Decision and Order, which is attached hereto.
8 Respondents also agree to the Commission imposing upon them an administrative penalty in the amount
9 of Two Thousand Dollars (\$2,000). A cashier's check from Respondents in said amount, made payable
10 to the "General Fund of the State of California," is submitted with this Stipulation as full payment of the
11 administrative penalty, to be held by the State of California until the Commission issues its Decision and
12 Order regarding this matter. The parties agree that in the event the Commission refuses to accept this
13 Stipulation, it shall become null and void, and within fifteen (15) business days after the Commission
14 meeting at which the Stipulation is rejected, all payments tendered by Respondents in connection with
15 this Stipulation shall be reimbursed to Respondents. Respondents further stipulate and agree that in the
16 event the Commission rejects the Stipulation, and a full evidentiary hearing before the Commission
17 becomes necessary, neither any member of the Commission, nor the Executive Director, shall be
18 disqualified because of prior consideration of this Stipulation.

19 Dated: _____

Roman G. Porter, Executive Director
Fair Political Practices Commission

22 Dated: _____

Tracy McMahon, individually and on behalf of Committee
to Elect Tracy McMahon

25 Dated: _____

Noreen Considine, individually and on behalf of
Committee to Elect Tracy McMahon

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IT IS SO ORDERED.

Dan Schnur, Chairman
Fair Political Practices Commission